

Appl. No. 09/880,727
Amdt. dated October 27, 2003
Reply to Office communication of October 9, 2003

PATENT

REMARKS/ARGUMENTS

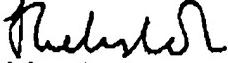
Claims 47-49 are pending in the application. Claim 49 is withdrawn from consideration. Claims 47 and 48 are rejected.

The Examiner states that no response has been received to the office action of September 26, 2002. In response, an amendment was filed December 26, 2002. A copy of this amendment is now attached together with a copy of the certificate of facsimile transmission to the PTO.

It has been noted that although the amendment of December 26, 2002 indicated that applicants intended to amend claim 47 in the Remarks section of the amendment, no formal amendment of the claim was made. Accordingly, applicants have made the amendment in this response in compliance with the formatting requirements of 37 CFR 1.121

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,


Joe Liebeschuetz
Reg. No. 37,505

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Attachments
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PTO/SB/21 (08-00)

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/880,727
Filing Date	June 13, 2001
First Named Inventor	Lockhardt, David J.
Group Art Unit	1637
Examiner Name	Jezia Riley
Total Number of Pages in This Submission	Attorney Docket Number 018547-019420US

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
X Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Request for corrected filing receipt
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Marked-up copy of filing receipt showing correction
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
	Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP William Schmonsees	Reg. No. 31,798
Signature		
Date	December 26, 2002	

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. (703) 305-3014 on December 26, 2002.

Typed or printed name	William Schmonsees
Signature	
	Date
	December 26 2002

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PA 3273695 v1

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Examiner Jezia Riley at Fax No.: 703-305-3014

On December 26, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: 

PATENT
Attorney Docket No.: 018547-019420US
Client Ref. No.: 3014.1

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OCT 27 2003

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DAVID J. LOCKHART et al.

Application No.: 09/880,727

Filed: June 13, 2001

For: NUCLEIC ACID ANALYSIS
TECHNIQUES

Examiner: Jezia Riley

Art Unit: 1637

AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed September 26, 2002, Applicants respectfully request entry of the following amendment and withdrawal of the outstanding rejections.

REMARKS

Claims 47-49 are pending in the application. Claim 49 is withdrawn from consideration. Claims 47 and 48 are rejected. Applicants acknowledge the renumbering of the claims by the Examiner to correct the erroneous submission of two claims 44.

Claim 47 has been rejected as vague and indefinite because the nitrogen atom of the base linked to the C-1 of the ribose ring contains 4 bonds, yet no positive charge is shown in the formula. Please insert the positive charge.

|| DAVID J. LOCKHART et al.
Application No.: 09/880,727
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PATENT

Claims 47 and 48 are rejected as vague and indefinite because it is unclear what is meant by "coupled labeled moiety." Such moieties are described in detail at page 36, line 6 through page 43, line 15. If the Examiner would find other language more acceptable, for example "R4 is a labeled moiety," Applicants are receptive to such an amendment.

The references were not considered because they were not available in the parent case. Applicants respectfully request that the Examiner confer with the Examiner of the parent file to locate the references. Applicants will forward a computer disc with the references if the Examiner is unable to locate them.

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 20-1430.

Respectfully submitted,



William Schmonsees
Reg. No. 31,796

Customer No. 20350

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Atty Docket No. 018547-019420US

PTO FAX NO.: 703-305-3014
ATTENTION: Examiner Jezia Riley

Group Art Unit 1637

**OFFICIAL COMMUNICATION
FOR THE PERSONAL ATTENTION OF
EXAMINER Jezia Riley**

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following document(s) in re Application of DAVID J. LOCKHART et al., Application No. 09/880,727, filed June 13, 2001 for NUCLEIC ACID ANALYSIS TECHNIQUES is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

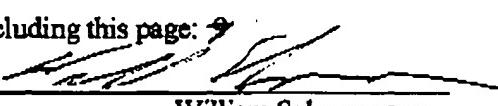
Document(s) Attached

1. Transmittal form (1 p.);
2. Request for corrected filing receipt (2 pp.); and
3. Marked-up copy of filing receipt to show correction (2 pp.).
4. Amendment (2 pp.)

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Number of pages being transmitted, including this page: 9

Dated: December 26, 2002


William Schmonsees

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